

REMARKS

This paper is responsive to the Office Action mailed from the Patent and Trademark Office on February 7, 2007, which has a shortened statutory period set to expire May 7, 2007. A one-month extension, extending the period of response to June 7, 2007, is submitted in a petition filed herewith.

Claims 25-42 are pending in the above-identified application. Claims 25-42 are provisionally rejected under obviousness type double patenting, and Claims 25-42 are also rejected under 35 USC 103 as being unpatentable over the references listed below. Reconsideration and withdrawal of the rejections raised in the Office Action is requested for the reasons set forth below.

Response to Double Patenting Rejections

Claims 25-42 are rejected under nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-24 of US Pat. No. 7,103,765 and Claims 1-27 of US Pat. App. Ser. No. 10/875,048.

A Terminal Disclaimer is filed herewith that disclaims the terminal portion of the present invention with respect to the related applications cited above.

Reconsideration and withdrawal of the double patenting rejections is therefore respectfully requested.

Response to Rejections Over Kamper and Glenn

Claims 25-30 are rejected under 35 USC 103 as being unpatentable over Kamper (USPN 6,654,797) in view of Glenn (USPN 5,406,261). As set forth in the following paragraphs, Kamper and Glenn in fact teach away from the combination proposed in the rejection. For these reasons,

Applicant respectfully traverses the rejections raised in paragraph 5 of the Office Action.

Claim 25 is amended herein to recite (in pertinent part) "means for booting up the computing device using server image information transferred from the flash memory device to the computing device such that the processor of the computing device is configured to function as a server according to the transferred server image information". Support for the amendments to Claim 25 is found, for example, in Applicant's paragraph 0003, in original claims 27 and 38 (now canceled), and in paragraph 0023. No new matter is entered. The benefit of this limitation is described, for example, in paragraph 0007 of the specification (copied below for reference):

[0006] If the PC or computing device has the capability in its BIOS to boot from a USB flash storage, it opens up a possibility to incorporate server functionality into a USB flash storage. The server is thus modular and very portable. The actual storage drives on a server are no longer needed to reside on the same physical space with the server itself. It is able to decouple the server from the storage drives completely. The server or storage drives can each evolve or upgrade independent to each other. Being able to easily hot swap the USB flash storage from the PC or computing device, it brings great benefits in service and support to the server itself.

As amended, Claim 25 is distinguished over Kamper and Glenn because neither reference teaches or suggests "means for booting up the computing device using server image information transferred from the flash memory device to the computing device such that the processor of the computing device is configured to function as a server according to the transferred server image information", as recited in

Claim 25. Conversely, Kamper apparently teaches (see, e.g., Col 4, lines 6-13, copied below for reference)

The server **118** is provided with boot instructions such that, upon power-up, the server **118** sends a request to the removable storage device reader **120** to read configuration data from the removable storage device inserted therein. This configuration data may include, for example, the IP address of the server, the hostname, the netmask, the gateway, domain and nameserver information for the server **118**.

Glenn teaches a method for protecting a computer system, but does not specifically address booting-up of the computer system. Applicant contends Glenn's computer system boots up using conventional methods.

In addition, as originally presented, Claim 25 recites (in pertinent part) "an electronic data flash device detachably coupled to the computing device ... including ... one or more manual control buttons" and "means for controlling the processor of the computing device in response to actuation of the one or more control buttons." A benefit of this assembly is that the server can be produced inexpensively due to providing the control buttons on an inexpensive "electronic data flash device" (i.e., the server need not include a display or control buttons). Because the control buttons are generally not needed once the server is configured and operating, providing the control buttons on the "electronic data flash device" instead of the server allows, for example, removal and safe storage of the "electronic data flash device" away from the server for both system longevity and security reasons.

In rejecting Claim 25, the Examiner writes (in part; see Office Action paragraph 5, top of page 4):

Kamper teaches control buttons (Column 1 lines 41-51). Kamper however does not teach the add in device having control buttons or the server being a server on a board.

Applicant respectfully argues that, not only does Kamper "not teach the add in device having control buttons" as stated by the Examiner in the quoted passage above, Kamper in effect teaches away from "an electronic data flash device ... including ... one or more manual control buttons", as recited in Claim 25. First, in Col. 1, lines 41-51 (cited by the Examiner, and copied below for reference, emphasis added), Kamper points out that providing "controls, e.g., push buttons" requires that the person physically present at the thin server to control the configuration process (i.e., enter configuration data):

The second method of configuring a thin server involves performing the configuration using an LED panel and controls, e.g., push buttons, that are directly attached to the thin server. This requires that the hardware design include the additional cost of a front mounted input/output display console and the cost of embedding firmware to handle the configuration tasks. Another requirement is that the person has to be physically present at the device to enter configuration data. Again, the cost of the thin server is increased by requiring the additional hardware that is only used for configuration.

Then, in Col. 1, lines 41-51 (copied below for reference), Kamper clearly teaches away from including controls on the removable storage device by emphasizing the benefit of NOT having to enter configuration commands:

Furthermore, the user of the present invention is not required to have any technical knowledge regarding configuring server devices. Rather, the user merely need couple the removable storage device reader to the server, insert the removable storage device and supply power to the server. The server automatically uploads the configuration information from the removable storage device and configures itself using this configuration information.

Because Kamper teaches the benefit of automatic configuration upon inserting the removable storage device and indicates that it would be detrimental to require the configuration technician to control the configuration process, it would not have been obvious to modify the removable storage device of Kamper to include the "manual

control buttons" of Claim 25. Therefore, it would not have been obvious to combine the teachings of Kamper with the teachings of any other reference, including Glenn, to produce the structure recited in Claim 25.

Further, Applicant traverses the Examiner's contention that it would have been obvious to one of ordinary skill in the art to combine the control buttons of Glenn onto the smart card of Kamper because Glenn in effect teaches away from devices that are "detachably coupled" to a computer device, as recited in Claim 25. That is, as pointed out by the Examiner, Glenn teaches a wireless device, not a device that is "detachably coupled" as recited in Claim 25 (see Office Action paragraph 5, top of page 4, copied below for reference, emphasis added):

... Glenn

teaches an external device (52) including control buttons (62, 64) for controlling the processor of the computing device in response to actuation of the one or more control buttons. Glenn's device is attached wirelessly as opposed to through a port ...

In fact, Glenn teaches a computer security apparatus and method in which power distribution to components within a computer system are controlled by a remotely controllable (i.e., wireless) switch (see abstract, copied below for reference, emphasis added):

[57] **ABSTRACT**

Unauthorized access to a computer system is prevented by controlling power distribution to components within the computer system by a remotely controllable switch. An authorized computer user utilizes a radio frequency, infrared, ultrasonic or other type of wireless coded signal transmitter to send coded signals to a matching wireless receiver within the computer system that controls the power distribution switch. The computer user may additionally set an alarm that will sound if the computer system is tampered with or attempted to be used when disabled. Highly sensitive data is protected from being compromised by disabling the read circuits of the computer system data storage memory and for ultra critical data, the data storage system may be rendered permanently inoperative.

The wireless security arrangement taught by Glenn in effect teaches away from the Examiner's proposed combination with Kamper because Kamper's smart card is clearly not a wireless device, and because Glenn neither teaches nor suggests implementing the controllable switch on a device that is "detachably coupled" to the computer.

Because both Kamper and Glenn teach away from "an electronic data flash device ... including ... one or more manual control buttons", as recited in Claim 25, it would not have been obvious to combine these references as set forth in the pending rejection. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection directed to Claim 25.

In completing the rejection of Claim 25 (see paragraph 5, page 4), the Examiner appears to rely on impermissible hindsight in arguing that:

... It would have been obvious to a person of ordinary skill in the art at the time of the invention to include control buttons on the smart card of Kamper because this would have provided the controls conveniently to the operator who inserts the smart card.

In the context provided, Applicant assumes the "control buttons" referred to by the Examiner in the above passage are those taught by Glenn, Applicants traverse the rejection for the reasons set forth above (i.e., both Kamper and Glenn teach away from the combination of control buttons on Kamper's smart cart). However, should the Examiner intend the above passage to extend beyond Glenn to any control buttons, Applicant traverses this broader argument on the grounds that Kamper teaches away from the incorporation of control buttons on the disclosed smart card (see argument provided above).

Claims 26 and 28-30 are dependent from Claim 25, and are believed to be distinguished over Kamper and Glenn for at least the reasons set forth above with respect to Claim 25. Claim 27 is canceled.

Response to Rejections Over Kamper, Glenn and Shino

Claims 31, 32 and 35-38 are rejected under 35 USC 103 as being unpatentable over Kamper and Glenn in view of Shino (USPN 4,843,223).

Claims 31 and 32 are dependent from Claim 25, and are believed to be distinguished over Kamper and Glenn for at least the reasons set forth above with respect to Claim 25.

Claim 35 is amended in a manner similar to Claim 25, and recites "an electronic data flash device detachably coupled to the computing device, the electronic data flash device including a flash memory device and one or more display devices", "means for booting up the computing device using server image information transferred from the flash memory device to the computing device, whereby the computing device is configured to function as a server according to the transferred server image information" and

"means for transmitting status information from the computing device to the electronic data flash device and for controlling said one or more display devices in accordance with the transmitted status information." Note that, instead of "manual control buttons" as recited in Claim 25, Claim 35 recites "display devices". Support for and the benefits of the structure recited in Claim 35 are similar to those recited in Claim 25. No new matter is entered.

Kamper and Glenn are discussed above, and to the extent the rejections of Claims 35-38 rely on Kamper and Glenn, Applicant respectfully traverses the rejections for the reasons similar to those set forth above (i.e., Kamper fails to teach booting a server from his smart card, Kamper in effect teaches away from providing a display on his smart card, Glenn teaches away from the proposed combination by failing to teach or suggest using a "detachably coupled" device).

Regarding Shino, the Examiner writes:

Shino teaches a memory card including control buttons and a display. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a display on the add in card because this would have allowed the user to observe proper configuration of the server with out having to add an additional display on the server (Which is the motivation of Kamper).

Shino teaches an information processing device for IC card that, as understood from the disclosure, is simply used to read information stored on the IC card. That is, Shino neither teaches nor suggests booting up a computing device using server image information transferred from his IC card, or utilizing the IC card to control anything. Thus, in addition to the argument provided above with

respect to Kamper (e.g., that Kamper in effect teaches away from providing either the control buttons or the display of Shino on the smart card of Kamper), Applicant further argues that it would not have been obvious to provide the buttons/display of Shino on the smart card of Kamper to provide the assembly of Claim 35 because Shino neither teaches nor suggests "means for transmitting status information from the computing device to the electronic data flash device and for controlling said one or more display devices in accordance with the transmitted status information", as recited in Claim 35.

Claims 36-37 are dependent from Claim 35, and are believed to be distinguished over Kamper, Glenn and Shino for at least the reasons set forth above with respect to Claim 35. Claim 38 is canceled.

Response to Rejections Over Kamper, Glenn, Shino and Ban

Claims 33-34 and 39-42 (see paragraphs 7 and 8, page 6 of the Office action) are rejected under 35 USC 103 as being unpatentable over Kamper, Glenn and Shino, and further in view of Ban (USPN 6,148,354).

Claims 33 and 34 are dependent from Claim 25, and are believed to be distinguished over Kamper, Glenn and Shino for reason similar to those provided above with respect to Claim 35. Ban fails to overcome the deficiencies of Kamper, Glenn and Shino. Therefore, Claims 33 and 34 are believed to be distinguished over the proposed combination of Kamper, Glenn, Shino, and Ban.

Claim 39 is amended in a manner similar to that discussed above with reference to Claims 25 and 35, and recites "an Universal Serial Bus (USB) device including a flash memory device, one or more of a light emitting diode

(LED) device and a liquid crystal display (LCD) device, and one or more control buttons", "means for booting up the computing device using server image information transferred from the flash memory device to the computing device when the USB device is coupled to the computing device, whereby the computing device is configured to function as a server according to the transferred server image information", "means for transmitting status information from the computing device to the USB device and for controlling said one of said LED and said LCD devices in accordance with the transmitted status information", and "means for controlling the processor of the computing device in response to actuation of the one or more control buttons." No new matter is entered. As amended, Claim 39 is distinguished over Kamper, Glenn and Shino for reason similar to those provided above with respect to Claim 35. Ban fails to overcome the deficiencies of Kamper, Glenn and Shino. Therefore, Claim 39 is believed to be distinguished over the proposed combination of Kamper, Glenn, Shino, and Ban.

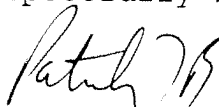
Claims 40-42 are dependent from Claim 39, and are believed to be distinguished over Kamper, Glenn, Shino and Ban for reason similar to those provided above with respect to Claim 39.

For the above reasons, Applicants' respectfully request reconsideration and withdrawal of the rejections under 35 USC 103.

CONCLUSION

For the above reasons, Applicants believe Claims 25-26, 28-37 and 39-42 are believed to be in condition for allowance. Should the Examiner have any questions regarding the present paper, the Examiner is invited to contact the undersigned attorney at the number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick T. Bever".

Customer no. 22888

Patrick T. Bever
Attorney for Applicant
Reg. No. 33,834
408-451-5902